

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

HUNG VANNGO

Plaintiff,

v.

QUESTEX, LLC and DOES 1 through  
10, inclusive,

Defendant.

Case No.: 1:23-cv-13032

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiff Hung Vanngo, for his Complaint against Questex LLC and DOES 1 through 10 inclusive, alleges as follows:

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101 *et seq.*

2. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

3. This court has personal jurisdiction over Defendant because Defendant's acts of infringement complained of herein occurred in the Commonwealth of Massachusetts, Defendant's acts of infringement were directed towards the Commonwealth of Massachusetts, Defendant caused injury to Plaintiff within the Commonwealth of Massachusetts, and Defendant has a physical presence in the Commonwealth of Massachusetts.

4. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

### **PARTIES**

5. Hung Vanngo (“Vanngo”) is an individual and professional make up artist.

6. Questex LLC (“Questex”) is a Delaware Limited Liability Company with a principal place of business in the Commonwealth of Massachusetts, 3 Speen Street, Suite 300 Framingham, MA 01701.

7. Plaintiff is unaware of the true names and capacities of the Defendants sued herein as DOES 1 through 10, inclusive, and for that reason, sues such Defendants under such fictitious names. Plaintiff is informed and believes and on that basis alleges that such fictitiously named Defendants are responsible in some manner for the occurrences herein alleged, and that Plaintiff’s damages as herein alleged were proximately caused by the conduct of said Defendants. Plaintiff will seek to amend the complaint when the names and capacities of such fictitiously named Defendants are ascertained. As alleged herein, “Defendant” shall mean all named Defendants and all fictitiously named Defendants.

### **FACTUAL ALLEGATIONS**

#### ***Hung Vanngo Is A Professional Celebrity Make Up Artist***

8. Hung Vanngo is a highly successful and popular celebrity makeup artist.

9. Vanngo’s client list includes actresses, musicians, and other major celebrities such as Selena Gomez, Emily Ratajowski, Jennifer Lawrence, Julianne Moore, Cara Delevigne, and Bella Hadid.

10. Vanngo documents his makeup work via his highly popular Instagram account @hungvanngo, which has over 4.1 million followers.

11. As part of documenting and promoting his work, Vanngo captures photographs of his clients and publishes them to his Instagram account.

12. Vanngo is the sole creator and exclusive rights holder to a close up photograph of actress Selena Gomez (the “Gomez 1 Photograph”).

13. Attached hereto as Exhibit A is a true and correct copy of the Gomez 1 Photograph.

14. Vanngo has registered the Gomez 1 Photograph with the United States Copyright Office under registration number VA 2-282-083.

15. Vanngo is the sole creator and exclusive rights holder to a close up photograph of model Joan Smalls (the “Smalls Photograph”).

16. Attached hereto as Exhibit B is a true and correct copy of the Smalls Photograph.

17. Vanngo has registered the Smalls Photograph with the United States Copyright Office under registration number VA 2-241-688.

18. Vanngo is the sole creator and exclusive rights holder to a close up photograph of model Emily Ratajowski (the “Ratajowski Photograph”).

19. Attached hereto as Exhibit C is a true and correct copy of the Ratajowski Photograph.

20. Vanngo has registered the Ratajowski Photograph with the United States Copyright Office under registration number VA 2-241-688.

21. Vanngo is the sole creator and exclusive rights holder to a close up photograph of actress Selena Gomez (the “Gomez 2 Photograph”).

22. Attached hereto as Exhibit D is a true and correct copy of the Gomez 2 Photograph.

23. Vanngo has registered the Gomez 2 Photograph with the United States Copyright Office under registration number VA 2-240-147.

24. Vanngo is the sole creator and exclusive rights holder to a close up

photograph of model Abby Champion (the “Champion Photograph”).

25. Attached hereto as Exhibit E is a true and correct copy of the Champion Photograph

26. Vango has registered the Champion Photograph with the United States Copyright Office under registration number VA 2-248-445.

27. The Gomez 1 Photograph, the Smalls Photograph, the Ratajowski Photograph, the Gomez 2 Photograph, and the Champion Photograph, will collectively be referred to as (the “Makeup Photographs”).

***Questex LLC is a commercial business***

28. Defendant Questex LLC is a commercial business offering integrated business-to-business media and information services which includes over 100 in person and digital conferences, over 100,000 branding programs, 140 websites, and over 1000 content marketing programs to its clients and users. See <https://questex.com/what-we-do/>.

29. Questex owns and operates the brand “American Salon”. See <https://questex.com/where-we-play/wellness/>.

30. According to the American Salon website, American Salon is an online platform for salon owners and beauty professionals to share their stories. The website includes hundreds of articles recommending various beauty products and providing links for where to purchase them. See <https://www.americansalon.com/>.

31. Questex operates and manages the American Salon Instagram account, @american\_salon, which has over 957,000 followers (“AS Instagram”).

32. Questex operates and manages the American Salon Facebook page <https://www.facebook.com/AmericanSalon>, which has over 677,000 followers (“AS Facebook”).

33. Questex owns and operates the brand “International Beauty Show”

See <https://questex.com/where-we-play/wellness/>.

34. According to the International Beauty Show website, the International Beauty Show is an in person tradeshow for the beauty industry that occurs twice a year – once in New York City and once in Los Angeles. Ticket prices range from \$38 for students and up to \$129 for a three day pass for the whole event. Attendees may also purchase masterclasses and workshop access for an additional \$195-\$295. See <https://www.ibsnewyork.com/>.

35. Questex operates and manages the International Beauty Show Instagram account @ibs\_shows, which has over 58,000 followers. (“IBS Instagram”)

36. Questex operates and manages the International Beauty Show Facebook page, <https://www.facebook.com/IBSShows>, which has over 57,000 followers (“IBS Facebook”)

37. The AS Instagram, AS Facebook, IBS Instagram, and IBS Facebook will collectively be referred to as “Questex’ Social Media Pages”.

38. Upon information and belief, Questex uses its Social Media Pages to promote its events and services and to push traffic to its websites in order to generate direct revenue through the sale of promoted products and sale of tickets to its in person and online events.

### ***Questex Engages in Copyright Infringement***

39. On or about May 17, 2022 Vango discovered his Gomez 1 Photograph published to the AS Instagram and the AS Facebook.

40. True and correct screenshots of the Gomez 1 Photograph being displayed on the AS Instagram and AS Facebook are attached hereto as Exhibit F.

41. On or about May 17, 2022, Vango discovered his Smalls Photograph being displayed on the IBS Facebook.

42. True and correct screenshots of the Smalls Photograph being

displayed on the IBS Facebook are attached hereto as Exhibit G

43. On or about May 17, 2022, Vanngo discovered his Ratajowski Photograph being displayed on the IBS Facebook and IBS Instagram with his own Instagram handle tagged in the caption.

44. True and correct screenshots of the Ratajowski Photograph being displayed on the IBS Facebook and IBS Instagram are attached hereto as Exhibit H

45. On or about May 17, 2022, Vanngo discovered his Gomez 2 Photograph being displayed on the IBS Instagram with his own Instagram handle tagged in the caption.

46. True and correct screenshots of the Gomez 2 Photograph being displayed on the IBS Instagram are attached hereto as Exhibit I.

47. On or about October 5, 2022, Vanngo discovered his Champion Photograph being displayed on the IBS Instagram, with his own Instagram handle tagged in the caption.

48. True and correct screenshots of the Champion Photograph being displayed on the IBS Instagram are attached hereto as Exhibit J.

49. Vanngo does not have record of any of his Makeup Photographs being licensed to Questex, nor had Vanngo granted permission for Questex to make a copy or publicly display the Makeup Photographs on Defendant's Social Media Pages ("Infringing Posts").

50. After discovering the infringements, Vanngo, through counsel, reached out to Defendant Questex via letter and through multiple email and phone call attempts to have the Infringing Posts removed and discuss resolution but received no response from Defendant.

51. Despite notification of the unauthorized uses of the Makeup Photographs, the Makeup Photographs remain posted to Questex' Social Media Pages.

52. Attached hereto as Exhibit K are true and correct screenshots of the Makeup Photographs still being displayed on Questex' Social Media Pages as of the date of this filing.

53. On information and belief, Questex' use of the Makeup Photographs was deliberate and willful because 1) it knew or should have known that it did not purchase a license to use the Makeup Photographs; 2) in several instances tagged Vango in the Infringing Posts but did not reach out to Vango for permission or authorization to use the Makeup Photographs; and 3) it failed to remove the Makeup Photographs from its Social Media Pages despite notification of the infringements.

**FIRST CAUSE OF ACTION**  
**COPYRIGHT INFRINGEMENT**  
**17 U.S.C. § 101 *et seq***

54. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

55. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original Photographs.

56. Plaintiff is informed and believes and thereon alleges that the Defendant willfully infringed upon Plaintiff's copyrighted Photographs in violation of Title 17 of the U.S. Code, in that it used, published, communicated, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique Photograph of the Plaintiff without Plaintiff's consent or authority, by using it in the Infringing Posts on Defendant's Social Media Pages.

57. Specifically, Defendant made an unauthorized copy and then publicly displayed the Makeup Photographs with the Infringing Posts.

58. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000 per work infringed pursuant to 17

U.S.C. § 504(c).

59. As a result of the Defendant's violations of Title 17 of the U.S. Code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendants.

60. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

- For a finding that Defendant infringed Plaintiff's copyright interest in the Photographs by copying, displaying, and distributing it without a license or consent;
- For an award of actual damages and disgorgement of all of profits attributable to the infringement as provided by 17 U.S.C. § 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant in an amount up to \$150,000 for each work infringed pursuant to 17 U.S.C. § 504(c), whichever is larger;
- For an injunction preventing Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502;
- For costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- For pre judgment interest as permitted by law; and
- For any other relief the Court deems just and proper.

Dated: December 8, 2023

Respectfully submitted,



**/s/ Taryn R. Murray**  
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**DEMAND FOR JURY TRIAL**

Plaintiff, Hung Vanngo hereby demands a trial by jury in the above matter.

Dated: December 8, 2023

Respectfully submitted,

**/s/ Taryn R. Murray**  
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